

1 **JACOBSON LAW FIRM**

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8 Attorney for Plaintiff

9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF ARIZONA**

11 CARRIE FERRARA CLARK,

12 Plaintiff,

13 vs.

14 CITY OF TUCSON,

15 Defendant.

Case No. 4:14-CV-02543-TUC-CKJ

**PLAINTIFF'S SUR-REPLY TO  
DEFENDANT'S REPLY TO  
PLAINTIFF'S OBJECTIONS TO  
DEFENDANT'S MOTION FOR  
CLARIFICATION OF THE COURT'S  
ORDER, DOC. 86**

16 Plaintiff Carrie Ferrara Clark, through undersigned counsel, files her Sur-Reply to  
17 Defendant's Reply to her Objection to its Motion for Clarification of the Court's Order,  
18 Doc. 86. Plaintiff's Sur-Reply is warranted because Defendant's Reply raises new  
19 arguments not previously briefed.

20 Defendant's Reply argues that it is not seeking new information, and that it simply  
21 seeks to ask Plaintiff to "identify the specific facts and testimony that relate to her claims."  
22 Whatever the purpose or reason Defendant may have for its request, Defendant's time for  
23 requesting this information has expired.

24 In support of its Reply, and as further justification for its post-deadline  
25 interrogatories, Defendant argues that its new interrogatories are necessary because Plaintiff  
26 failed to supplement her previous discovery responses. Put another way, Defendant argues  
that it's all Plaintiff's fault.

Plaintiff responded to Defendant's First Set of Non-Uniform Interrogatories on July  
13, 2015. Defendant has said nothing about Plaintiff's responses for almost two years to the  
day. Now, suddenly, after discovery has ended, Defendant attempts to shift the blame for its

1 failure to conduct timely discovery on Plaintiff for failing to supplement her responses. If  
2 Defendant perceived Plaintiff's responses were deficient, it had an *obligation* to confer with  
3 counsel in a good faith effort to resolve any discovery dispute and then, if not satisfied,  
4 follow the Federal Rules of Civil Procedure to compel her responses. *See* Federal Rules of  
5 Civil Procedure, Rule 37. Plaintiff received no such communication regarding these  
6 interrogatories now complained of. Having failed to follow the Rules of Civil Procedure for  
7 almost two years, Defendant's tardy discovery requests should be precluded.

8 For these reasons, Plaintiff maintains her objections and asks the Court to reject any  
9 expansion of its previous order limiting discovery to only issues new to Plaintiff's Third  
10 Amended Complaint.

11 DATED this 2nd day of June, 2017.

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13  
14 *s/Jeffrey H. Jacobson*  
15 Jeffrey H. Jacobson  
Attorney for Plaintiff

16 Filed via the CM/ECF system and copy electronically  
17 provided this 2nd day of June, 2017, to:

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